EXHIBIT 7
DATE 3/11/03
SB SJ 7

Testimony in Opposition to SJ 7

Mr. Chairman, members of the Natural Resource committee. I am testifying in opposition to this Resolution.

The Clean Water Restoration Act is designed to protect all waters of the United States. It is designed to help protect water from discharges in the tributaries to the rivers and streams.

I have brought you photographs of a discharge point in Wyoming. The water being discharged into this reservoir is pumping at a rate of 700 to 1000 gallons per minute. The pond never fills up and overflows.The EC and SAR values of this impoundment were 3000 and 60 respectively. The reservoir was designed to leak and the water passes through it and seeps into Wildcat Creek below the reservoir. Wildcat Creek empties into Prairie Dog Creek which empties into the Tongue River. The water quality changes within a few miles and the salinity or EC increases and the SAR decreases. I have included USGS plots of water in Prairie Dog Creek and you can see that the EC level is around 1500 to 1700. The normal level of the Tongue River is about 200 to 400 EC. So when this water mixes into the Tongue River it raises the salinity of the Tongue River. I have included USGS plots of the Tongue River for last year when we had lots of water coming into the reservoir from the Big Horn Mountains. The Tongue River Reservoir usually fills from the snowmelt in the Big Horn Mountains and the water quality is very good. The level on this plot shows that the level is about 225 EC. The CBM discharges coming from Wyoming as well as the CBM discharges in Montana have almost tripled the salinity in the Tongue River Reservoir.

As irrigators we are seeing damages from this water. One of my neighbors has had yield reductions that have cost him over $250,000 last year alone. I had yields of about 30% of historic levels of first cutting alfalfa on my circle pivot but I had hail as well so it is hard to tell what amount of damage is from hail and how much is from CBM. My second cutting was about 80% of historic levels. Why should we have to take damages from this water? Last year was an excellent water year and there were no reductions from drought.

This resolution asks that we look the other way and allow these waters in the coulees and creeks to be degraded because they are not considered navigable streams. We all know that the water coming from these small creeks come together to make up our navigable streams.

The clean water restoration act does not change ownership of water. It only makes sure that the clean water act applies to all waters.

If the legislature feels that water in small creeks and coulees should not be regulated, then we could say that the discharges at Zortman Landusky could not be regulated.

I am sure that Canada will be looking at what we do with the Clean Water Restoration Act. If we allow discharges into small streams and ponds without regulation then all they have to do is dump their CBM water into small ponds or streams that flow into the Flathead and we cannot complain, because we have allowed this to happen in the United States.

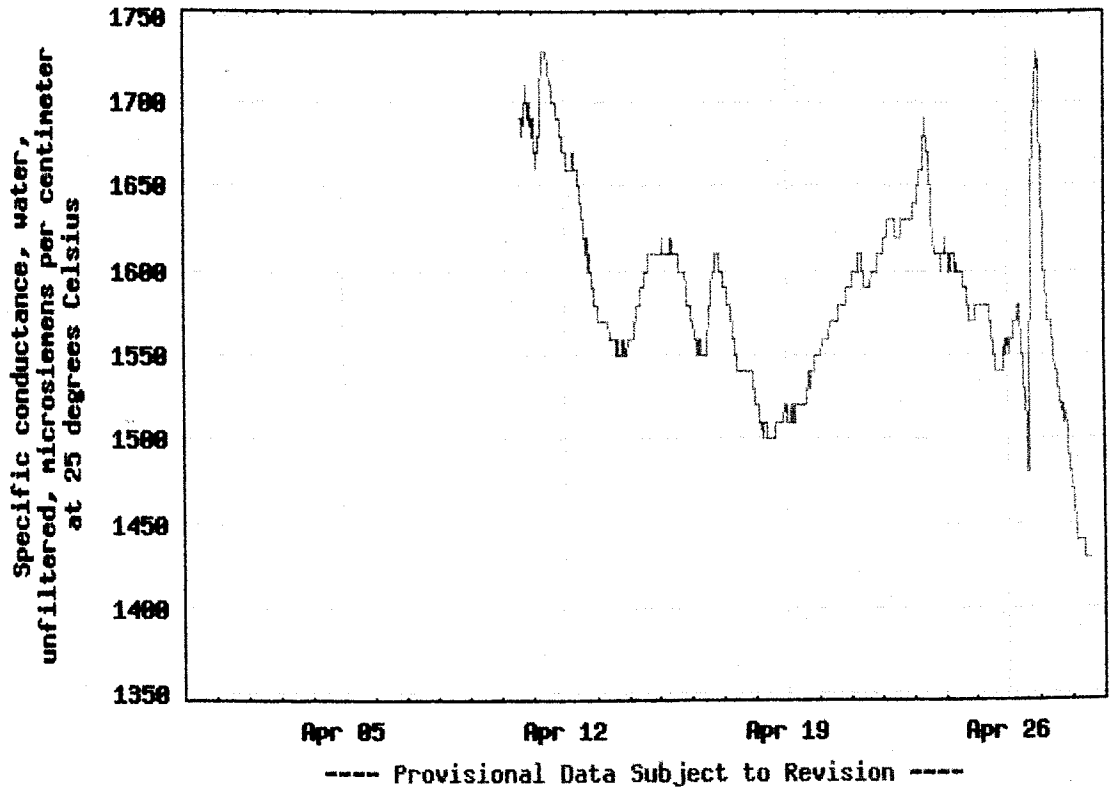
I strongly urge you to vote against SJ 7. Thank you for listening to my concerns.

Mark Fix

Past Chair of the Northern Plains Resource Council

USGS

USGS 06306250 PRAIRIE DOG CREEK NEAR ACME, WY



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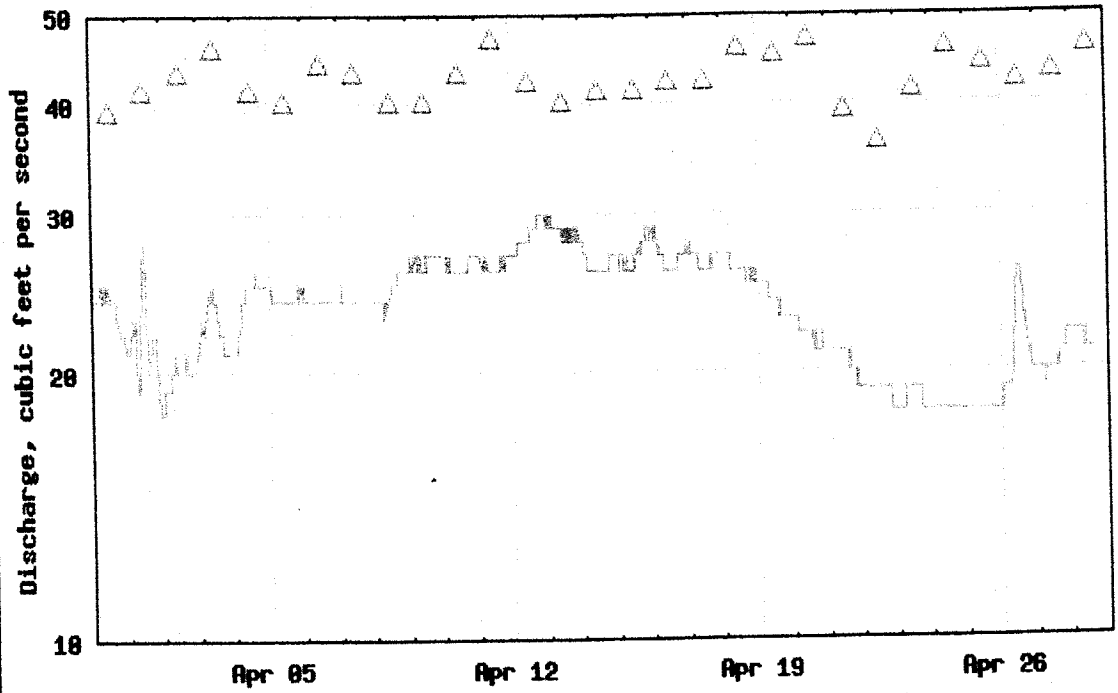
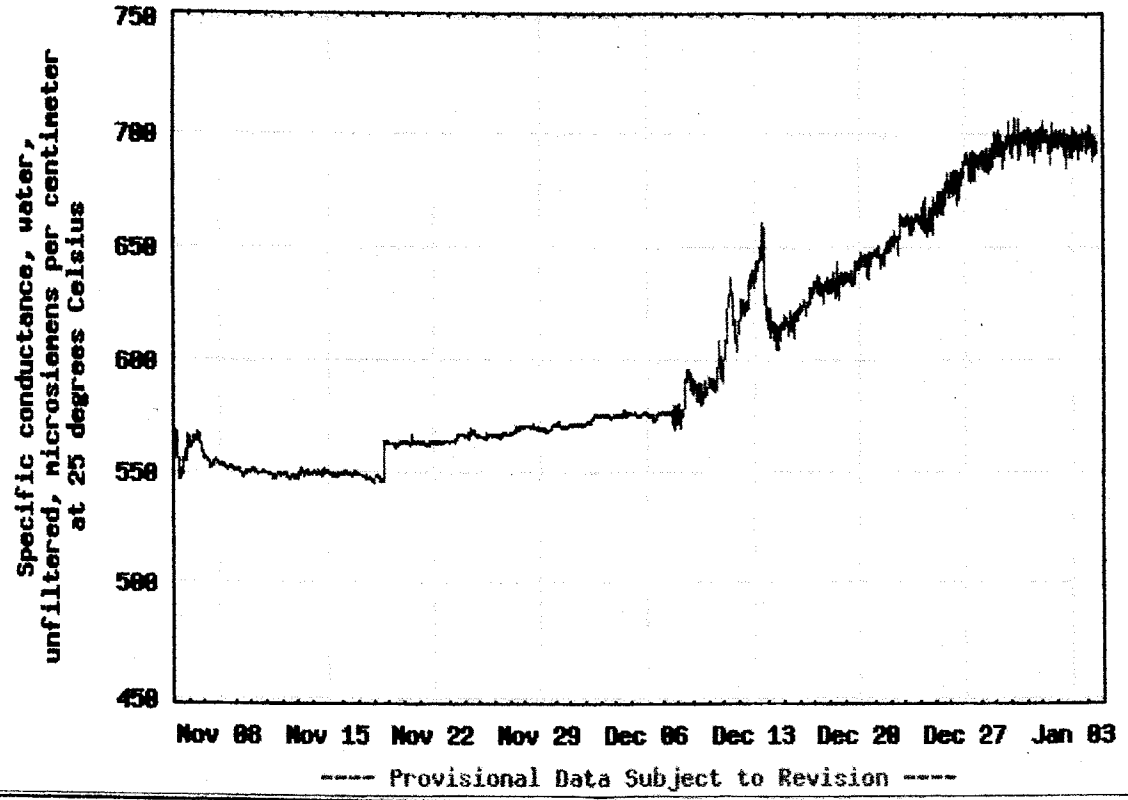


USGS

USGS 06307500 Tongue River at Tongue R Dam nr Decker MT



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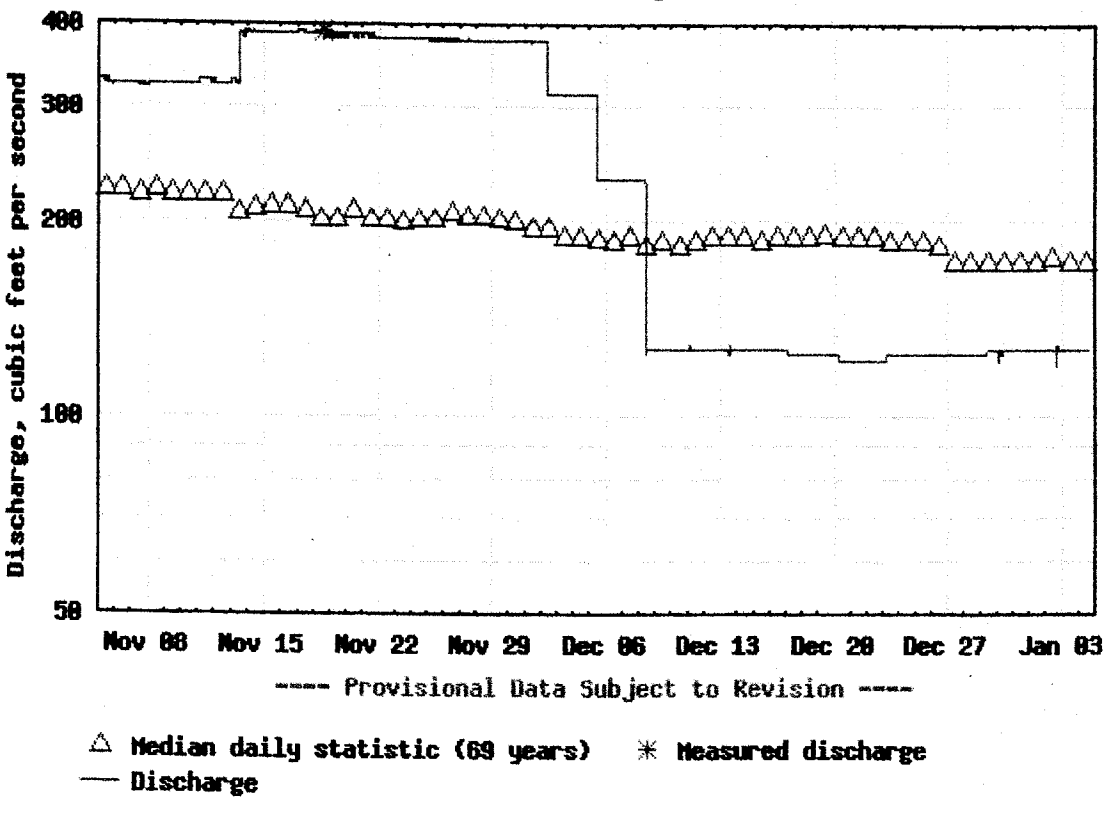

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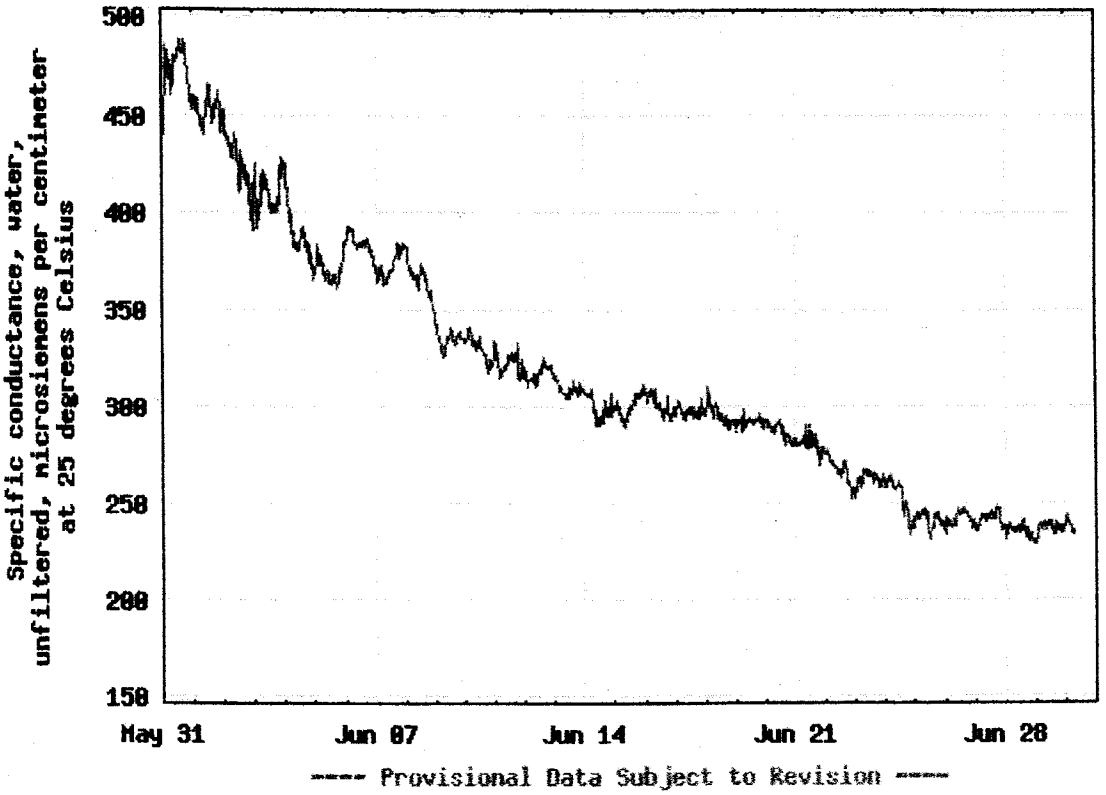

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